

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

SUMMONS IN A CIVIL ACTION



Case Name: **Deborah Richer v Taco Bell Corp., et al**
Case Number: **216-2021-CV-00398**

Date Complaint Filed: June 25, 2021

A Complaint has been filed against Charter Foods North, LLC; Taco Bell Corp. in this Court. A copy of the Complaint is attached.

The Court ORDERS that ON OR BEFORE:

August 12, 2021	Deborah Richer shall have this Summons and the attached Complaint served upon Charter Foods North, LLC; Taco Bell Corp. by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.
September 02, 2021	Deborah Richer shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.
30 days after Defendant is served	Charter Foods North, LLC; Taco Bell Corp. must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

Notice to Charter Foods North, LLC; Taco Bell Corp.: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

ARTHUR G GATZOULIS,
ESQ

Taco Bell Corp.
Charter Foods North, LLC

Craig & Gatzoulis PLLC 99 Stark St Manchester NH 03101

1 Glen Bell Way Irvine CA 92618
1111 Gateway Service Park Road Morristown TN 37813

BY ORDER OF THE COURT

June 28, 2021

W. Michael Scanlon
Clerk of Court

(1082)

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Northern District
300 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE TO DEFENDANT

Case Name: **Deborah Richer v Taco Bell Corp., et al**
Case Number: **216-2021-CV-00398**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Hillsborough Superior Court Northern District**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Hillsborough Superior Court Northern District** as the location.
3. Select "I am filing into an existing case". Enter **216-2021-CV-00398** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

IMPORTANT: After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: www.courts.state.nh.us.

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
Northern District

SUPERIOR COURT
Docket No. 216-2021-CV-00398

Deborah Richer
83 Goffe Street
Manchester, NH 03102
Plaintiff

v.

Taco Bell Corp.
d/b/a Taco Bell
1 Glen Bell Way
Irvine, CA 92618

and

Charter Foods North, LLC
1111 Gateway Service Park Road
Morristown, TN 37813
Defendants

COMPLAINT

JURY TRIAL REQUESTED

NOW COMES the plaintiff, by and through counsel, Craig and Gatzoulis, PLLC, and complains against the defendants as follows:

THE PARTIES

1. The plaintiff, Deborah Richer, resides at 83 Goffe Street, City of Manchester, County of Hillsborough, State of New Hampshire.
2. The defendant, Taco Bell Corp., is a corporation organized under the laws of the State of California, with a principal office located at 1 Glen Bell Way, Irvine, CA 92618. Defendant does business in New Hampshire as Taco Bell.
3. The defendant, Charter Foods North, LLC, is a limited liability corporation organized

under the laws of Tennessee, with a principal office located at 1111 Gateway Service Park Road, Morristown, TN 37813. Defendant is the owner of the premises located at 1050 Second Street, Manchester, NH and was the owner of the premises on July 3, 2018.

4. Jurisdiction and venue are appropriate in the Hillsborough County Superior Court Northern District.

FACTUAL ALLEGATIONS

5. That on July 3, 2018, the plaintiff was lawfully on the defendants' premises located at 1050 Second Street in Manchester, New Hampshire, otherwise known as Taco Bell.
6. The plaintiff was operating her scooter up the asphalt ramp from the parking area on to the drive through take-out lane on the premises at issue.
7. The defendants' asphalt ramp to the drive through lane had a defective and unmarked ledge that caused the plaintiff to lose control of her scooter and fall onto her left side, severely injuring her left shoulder, hip and knee and head.

NEGLIGENCE

8. In a plea of the case whereby the plaintiff repeats and incorporates by reference all material allegations set forth above, and sets forth the following claims of liability against the defendants.
9. That the defendant, Taco Bell Corp., as the operator of the business at issue, by and through its agents, servants and or employees, had a duty and/or non-delegable duty to properly maintain the premises, including the asphalt ramp and drive through lane, to take all necessary and reasonable steps to keep the said premises safe, to take all reasonable and necessary steps to eliminate any and all potential hazards on the premises and/or to provide warnings of any and all existing hazards on the premises so that other persons, including the plaintiff not be injured.

10. That the defendant, Charter Foods, North, LLC, as the owner of the premises at issue, by and through its agents, servants and or employees, had a duty and/or non-delegable duty to properly maintain the premises, including the asphalt ramp and drive through lane, to take all necessary and reasonable steps to keep the said premises safe, to take all reasonable and necessary steps to eliminate any and all potential hazards on the premises and/or to provide warnings of any and all existing hazards on the premises so that other persons, including the plaintiff not be injured.
11. That the defendants wholly unmindful and regardless of their duties, failed in the performance thereof and negligently and without due and proper care to take all necessary and reasonable steps to keep the said premises safe, including but not limited to the drive through lane and adjacent parking area, to take all reasonable and necessary steps to eliminate any and all potential hazards on the premises, including but not limited to the drive through lane, so that other persons, including the plaintiff not be injured; and the defendant was otherwise negligent.
12. That as a direct and proximate and foreseeable result of the legal fault and negligence of the defendants, the plaintiff lost control of the scooter she was operating on the drive though lane due to a defective and unmarked ledge, causing her to fall onto the asphalt parking area and sustaining severe, painful and permanent injuries.

DAMAGES

13. In a plea of the case whereby the plaintiff repeats and incorporates by reference all material allegations set forth above, and sets forth the following claims of liability against the defendants.
14. That as a result of this incident, the plaintiff suffered physical and emotional pain and

other damages.

15. That the plaintiff will probably in the future be compelled to expend sums of money for her medical care and treatment and in addition, will in the future continue to suffer pain, discomfort and chronic, permanent injuries and the loss of her enjoyment of life.
16. That the plaintiff seeks full, fair and adequate compensation for the injuries sustained, physical and mental pain and suffering accompanying said injuries, medical expenses related thereto, economic damages, and the loss of enjoyment of life, all such damages being past, present and future.
17. All to the damage of the plaintiff as she says in an amount within the minimum and maximum jurisdictional limits of this Court.
18. Plaintiff also seeks her interest and costs.

A JURY TRIAL IS REQUESTED

Respectfully submitted,
Deborah Richer
By her attorneys,
Craig and Gatzoulis, PLLC

DATE: June 25, 2021

/s/ Arthur G. Gatzoulis
Arthur G. Gatzoulis, Esquire
NH Bar ID: 12472
99 Stark Street
Manchester, NH 03101
(603) 623-1000

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
(Northern District)

SUPERIOR COURT

Docket No. 216-2021-CV-00398

Deborah Richer

v.

Taco Bell Corp.

and

Charter Foods North, LLC

**Defendant Charter Foods North, LLC's answer to
complaint and demand for jury Trial**

Defendant Charter Foods North, LLC demands a trial by jury on all Counts so triable. N.H.
Super. Ct. R. 9 (c).

The Parties

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

2. Defendant admits the allegations in this paragraph.

3. Admitted.

4. Admitted.

Factual Allegations

5. Admitted.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

7. Defendant admits that Plaintiff fell on the night alleged. Otherwise, denied.

Negligence

8. Defendant realleges its prior responses as if fully set forth herein. Defendant denies Plaintiff has any valid “claims of liability.”

9. Denied.

10. Defendant admits that it owns the premises at issue, and has a duty to exercise reasonable care in the maintenance and operation of its premises. Otherwise, denied.

11. Denied.

12. Denied.

Damages

13. Defendant realleges its prior responses as if fully set forth herein. Defendant denies Plaintiff has any valid “claims of liability.”

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

17. Denied.

18. Denied.

Defendant’s affirmative Defenses

1. Plaintiff’s claim is barred, in whole or in part, by reason of Plaintiff’s comparative fault.

2. Plaintiff failed to mitigate her damages.

3. Defendants object to Plaintiff’s medical bills without formal proof.

4. Any injuries suffered by Plaintiff were due to her assumption of the risk.

Respectfully submitted,

Charter Foods North, LLC

By its attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: August 10, 2021

By: /s/ Joseph G. Mattson
Joseph G. Mattson (Bar. No. 19287)
Keelan B. Forey, Esq. (Bar. No. 272933)
111 Amherst Street
Manchester, NH 03101
(603) 669-1000
jmattson@devinemillimet.com
kforey@devinemillimet.com

CERTIFICATION

I hereby certify that a copy of the foregoing has this date been forwarded through the ECF Electronic filing system to Service Contacts.

Dated: August 10, 2021

/s/ Joseph G. Mattson
Joseph G. Mattson